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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,565	06/29/2001	Yoshiyuki Seki	2019.004	7968

7590 10/28/2003

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EXAMINER

HO, THOMAS Y

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/896,565

Applicant(s)

SEKI ET AL.

Examiner

Thomas Y Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-8 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8 and 10-17 is/are rejected.
- 7) ☒ Claim(s) 18-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4, 6-8, 10, 12-14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsui USPN5642636 in view of Kowalewski USPN6135514.

As to claim 1, Mitsui discloses a lock for a lid that opens and closes a box, wherein one of the box and the lid is a first part and the other is a second part, the lock comprising: a latch 5 provided on the first part, wherein the latch engages a catch 2, which is on the second part, to prevent the lid from opening when the lid is closed; a holding member 8,26,36, which moves between a locking position (see Figure 1) and an unlocking position (see Figure 10; the locking position is the holding position where the pawl 8 engages the latch 5, and the unlocking position is the release position where the pawl 8 does not engage the latch 5), wherein the holding member 8,26,36 engages the latch 5 at the locking position and is disengaged from the latch 5 at the unlocking position; a first manipulator 61 for opening the lid from an outer side of the box when the lid is closed; a key lock mechanism 32,33, movable by an externally manipulated key, between an unlocked position N (see Figure 1) and a locked position L (see Figure 11), wherein when the key lock mechanism is at the unlocked position N, the holding member 8,26,36 is at an operational position, at which movement of the holding member 8,26,36 by the first manipulator 61 is enabled (due to contact between 39 and 40) such that the first manipulator 61 is operable to

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move the holding member 8,26,36 from the locking position to the unlocking position (see Figure 10; closing 61 activates the drive 45 to rotate sector gear 48 counterclockwise to the position shown in Figure 10), and wherein when the key lock mechanism is at the locked position L, the holding member 8,26,36 is at a non-operational position, at which movement of the holding member by the first manipulator 61 is disabled (see Figure 11; movement from closing of switch 61 is disabled because contacts 39 and 40 are spaced apart). The difference between the claims and Mitsui is the claims recite a second manipulator for opening the lid from an inner side of the box when the lid is closed, wherein the second manipulator is operable to move the holding member from the locking position to the unlocking position to disengage the latch, both when the key lock mechanism is at the locked position and at the unlocked position. Kowalewski discloses an automobile latch similar to that of Mitsui. In addition, Kowalewski further teaches a second manipulator 70 for opening the lid from an inner side of the box when the lid is closed, wherein the second manipulator is operable to move the holding member 52 from the locking position to the unlocking position to disengage the latch 18. It would have been obvious to one of ordinary skill in the art, having the disclosures of Mitsui and Kowalewski before him at the time the invention was made, to modify the holding member of Mitsui to have a second manipulator, as in Kowalewski, to obtain the holding member 8,26,36 of Mitsui having a second manipulator 70 of Kowalewski attached to the holding member or pawl portion 8 of Mitsui, to actuate the holding member or pawl portion 8 of Mitsui clockwise to an unlocking or release position both when the key lock mechanism is at the locked position and at the unlocked position. One would have been motivated to make such a combination because the the ability for

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a person trapped in the storage compartment could release the latch and escape, as taught by Kowalewski (col.1, ln.20-30).

As to claim 2, Kowalewski teaches wherein the second manipulator 70 is formed integrally with the holding member 52. Any portion of 70 could be the point between a holding member that is a combination of 52 and a portion of 70, and the rest of 70 which is a second manipulator. Furthermore, the term "integral" does not require a unitary one-piece structure. In re Kohno, 391 F.2d 959, 157 USPQ 275 (CCPA 1968); In re Larson, 340 F.2d 965, 144 USPQ 347 (CCPA 1965).

As to claim 4, Mitsui discloses wherein the key lock mechanism 32,33 includes a rotor 33 rotated by the key, wherein the rotor 32 is connected to the holding member 8,26,36.

As to claim 6, Mitsui discloses further comprising a biasing member 56 (see Figure 2; also see the unlabeled spring around pivot 49 in Figure 1) for forcing the first manipulator 45,47,48,61 toward a home position.

As to claim 7, Mitsui discloses a lock for a lid that opens and closes a box, the lock comprising: a catch 2 extending from an inner surface of the box; a latch 5 provided on the lid, wherein the latch engages the catch to prevent the lid from opening when the lid is closed; a holding member 8,26,36, which moves between a locking position (engaging latch 5) and an unlocking position (released from latch 5), wherein the holding member keeps the latch engaged with the catch when located at the locking position and releases the catch from the latch when located at the unlocking position; a first manipulator 45,48,61 for opening the lid from an outer side of the box when the lid is closed; a key lock mechanism 32,33, movable by an externally manipulated key, between an unlocked position N and a locked position L, wherein when the key

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lock mechanism is at the unlocked position, the holding member is at an operational position, at which movement of the holding member by the first manipulator is enabled such that the first manipulator is operable to move the holding member from the locking position to the unlocking position, and wherein when the key lock mechanism is at the locked position, the holding member is at a non-operational position, at which movement of the holding member by the first manipulator is disabled (see Figure 11; col.4, ln.33-43). Kowalewski teaches a second manipulator 70 for opening the lid from an inner side of the box when the lid is closed, wherein the second manipulator is operable to move the holding member 52 from the locking position to the unlocking position to disengage the latch 18, both when the holding position key lock mechanism is at the locked position and at the unlocked position (note that no structure prevents the actuation of the pawl 8 of Mitsui to the unlocking or release position).

As to claim 8, Kowalewski teaches wherein the second manipulator 70 is formed integrally with the holding member 52. Any portion of 70 could be the point between a holding member that is a combination of 52 and a portion of 70, and the rest of 70 which is a second manipulator. Furthermore, the term "integral" does not require a unitary one-piece structure. In re Kohno, 391 F.2d 959, 157 USPQ 275 (CCPA 1968); In re Larson, 340 F.2d 965, 144 USPQ 347 (CCPA 1965).

As to claim 10, Mitsui discloses wherein the key lock mechanism 32,33 includes a rotor 33 rotated by the key, wherein the rotor is connected to the holding member 8,26,36 (connected by 29).

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As to claim 12, Mitsui discloses further comprising a biasing member 56 (see Figure 2; also see the unlabeled biasing member around pivot 49 in Figure 1) for forcing the first manipulator 45,48,61 toward a home position.

As to claim 13, Mitsui discloses a lock for a lid that opens and closes a box, the lock comprising: a catch 2 extending from an inner surface of the box; a latch 5 provided on the lid, wherein the latch engages the catch to prevent the lid from opening when the lid is closed; a holding member 8,26,36, which moves between a locking position (holding latch 5) and an unlocking position (releasing latch 5), wherein the holding member keeps the latch engaged with the catch when located at the locking position and releases the catch from the latch when located at the unlocking position; a first manipulator 45,48,61 for opening the lid from an outer side of the box when the lid is closed; and a key lock mechanism 32,33, movable by an externally manipulated key, between an unlocked position N and a locked position L, wherein when the key lock mechanism is at the unlocked position N, the holding member 8,26,36 is at an operational position, at which movement of the holding member by the first manipulator 45,48,61 is enabled such that the first manipulator is operable to move the holding member from the locking position to the unlocking position, and wherein when the key lock mechanism is at the locked position, the holding member is at a non-operational position (39 separated from 40), at which movement of the holding member by the first manipulator is disabled. Kowalewski teaches a second manipulator 70 integrally formed with the holding member for opening the lid from an inner side of the box when the lid is closed, wherein the second manipulator moves the holding member from the locking position to the unlocking position, wherein the second manipulator 70 is operable to move the holding member 52 from the locking to the unlocking position to disengage

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the latch 18 both when the key lock mechanism is at the locked position and at the unlocked position. Any portion of 70 could be the point between a holding member that is a combination of 52 and a portion of 70, and the rest of 70 which is a second manipulator. Furthermore, the term "integral" does not require a unitary one-piece structure. In re Kohno, 391 F.2d 959, 157 USPQ 275 (CCPA 1968); In re Larson, 340 F.2d 965, 144 USPQ 347 (CCPA 1965).

As to claim 14, Mitsui discloses wherein the key lock mechanism 32,33 includes a rotor 33 rotated by the key, wherein the rotor is connected (by 29) to the holding member 8,26,36.

As to claim 16, Mitsui discloses further comprising a biasing member 56 (see Figure 2; also see the unlabeled biasing member around pivot 49 in Figure 1) for forcing the first manipulator 45,48,61 toward a home position.

As to claim 17, Mitsui discloses a lock for a lid that opens and closes a box, wherein one of the box and the lid is a first part and the other is a second part, the lock comprising: a latch 5 provided on the first part, wherein the latch engages a catch 2, which is on the second part, to prevent the lid from opening when the lid is closed; a holding member 8,26,36, which moves between a locking position (holding latch 5) and an unlocking position (releasing latch 5), wherein the holding member 8,26,36 engages the latch at the locking position and is disengaged from the latch at the unlocking position; a first manipulator 45,48,61 for opening the lid from an outer side of the box when the lid is closed, wherein the first manipulator moves the holding member from the locking position to the unlocking position (col.4, ln.20-35); a key lock mechanism 32,33, movable by an externally manipulated key, between an unlocked position N and a locked position L, and which shifts the holding member between an operational position (see Figure 10), at which movement of the holding member by the first manipulator is enabled



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(because 39 and 40 are in contact), and a non-operational position (see Figure 11), at which movement of the holding member by the first manipulator is disabled (39 and 40 out of contact). Kowalewski teaches a second manipulator 70 for opening the lid from an inner side of the box when the lid is closed, wherein the second manipulator moves the holding member 52 (analogous to 8 in Mitsui) from the locking position to the unlocking position; and said second manipulator having a fragile portion (either portion 72 or where 70 meets the eyelet 78) that is broken due to excessive force applied to the second manipulator, such that when said second manipulator is broken, said key lock mechanism and said holding member remain operational. If a second manipulator 70 of Kowalewski was placed on the holding member at 8 in Mitsui, and was broken under excessive force, the key lock mechanism 32,33 and holding member 8,26,36 would still be operational. Though neither Mitsui nor Kowaleski teaches a predetermined fragile portion, it does not mean that an existing portion of 70,72,78 could not break under heavy loading.

Claims 5, 11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsui USPN5642636 in view of Kowalewski USPN6135514, and further in view of Orr USPN3824817.

As to claim 5, Mitsui discloses a rotor 33. The difference between the claim and Mitsui is the claim recites a restricting member for restricting a rotation range of the rotor. Orr discloses a key lock mechanism similar to that of Mitsui. In addition, Orr further teaches a restricting member 110,116 for restricting a rotation range of the rotor. It would have been obvious to one of ordinary skill in the art, having the disclosures of Mitsui and Orr before him at the time the invention was made, to modify the key lock mechanism of Mitsui to have a restricting member,

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as in Orr, to obtain a rotor restricted for a specific range of rotation. One would have been motivated to make such a combination because the ability to determine the degree and sense of rotation of the key lock could be determined, as taught by Orr (col.6, ln.40-50). Furthermore, though not explicitly stated, it can be seen in Mitsui that the rotor 33 is maintained between L and UL positions.

As to claim 11, Orr teaches further comprising a restricting member 110,116 for restricting a rotation range of the rotor.

As to claim 15, Orr teaches further comprising a restricting member 110,116 for restricting a rotation range of the rotor.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-2, 4-8, and 10-17 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Allowable Subject Matter***

Claims 18-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 17 would be allowable if rewritten to include that the fragile portion is a "predetermined fragile portion". Refer to the rejection of claim 17 above for a more detailed explanation.

The following is a statement of reasons for the indication of allowable subject matter: the closest art and references in the prior art of record fails to disclose or suggest a member

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concentrating force in the fragile portion of a second manipulator, or a notch formed on the second manipulator.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

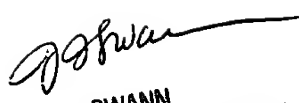
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-1113.

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